

KAUAI COUNTY HISTORIC PRESERVATION REVIEW COMMISSION  
Lihue Civic Center, Moikeha Building, Meeting Room 2A/2B

MINUTES

A meeting of the Kaua'i County Historic Preservation Commission (KHPRC) was held on January 22, 2015 in the Lihue Civic Center, Moikeha Building, Meeting Room 2A/2B.

The following Commissioners were present: Stephen Long, Chairperson, Pat Griffin, Vice Chairperson, Anne Schneider, Patsy Sheehan, and Victoria Wichman.

The following Commissioner(s) were absent: Danita Aiu, Althea Arinaga, and Kuuleialoha Santos.

CALL TO ORDER

The meeting was called to order at 2:44 pm.

APPROVAL OF THE AGENDA

ANNOUNCEMENTS AND GENERAL BUSINESS MATTERS

There were no announcements.

COMMUNICATION

There were no communications.

UNFINISHED BUSINESS

Re: Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 to permit repair and reconstruction of the former Coco Palms Resort including but not limited to: 350 hotel units, Lotus Restaurant and Flame Room Bar, the Lobby Building, the Commercial Building, three swimming pools, Queen's Audience Hall, the Palms Lanai, the Utility and Maintenance Building, Sea Shell Restaurant, Chapel in the Palms, 2 of 4 Bridge Crossings, and the construction of a new Queen Lagoon Building into a spa and gym facility on the site of the previously demolished structure. The project is situated in Wailua and located at 04-241 Kūhi'ō Highway, further identified as Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017.

Mr. Ron Agor: Ron Agor for the record. I am here to answer any questions you may have.

Mr. Long: Yes.

Ms. Schneider: Ron are you going to reuse all that lava rock that's there?

Mr. Agor: We certainly are. Yes we certainly are.



Mr. Long: I have a question about the lagoons. So you are concerned about keeping in their current condition so there won't be any dredging or removal of material from the lagoons?

Mr. Agor: Right now there are some debris in it and we are working with Cultural Surveys on the method on which we are going to be cleaning the lagoon. It will probably be by hand. Removing the coconuts, the branches, and debris, we don't want to be bringing equipment in there.

Mr. Long: Thank you. I have another comment and that is when we were out in the site and we talked a little bit about the concrete bridge and the concrete cast coconut horizontal member on the bridge and I just thought I might mention her that if you could integrate that design concept into the new bridge that would be...

Mr. Agor: Your comment has been noted and we will work towards that.

Mr. Long: Thank you Ron. Would anybody from the public like to come forward and testify regarding the entire application?

Ms. Regush: Thank you again. Rayne Regush for the record. I had two points of clarification for Mr. Agor. When he talked about having a monitor on site, I wasn't clear whether that monitor would be an archeologist. And second point regarding reusing the lava rock my question would be are we trying to retain the existing lava rock walls, keeping them in place verses dismantling and reusing the rocks. So if we could get clarification please.

Mr. Long: Yes Ron.

Mr. Agor: Again Ron Agor for the record. I believe the only rock wall that is going to be considered taken down is the one that is attached to the King's Lagoon. The old wooden buildings at the very end where we went around to look at the bridge. There is some 8 foot high walls that is faced with rocks and when we demolish the King's Lagoon those walls are going to come down and we are going to take those rocks and use it elsewhere.

Ms. Schneider: Can you tell us the timeline how long this project will take you to complete?

Mr. Agor: I think I should defer that to the owner.

Mr. Long: There were two questions to you from the public. The other had to do with the archeologist and the...

Mr. Agor: The monitor would be from an archeologist office yes. With regards to the last question I think the goal is to turn the project over to the Hyatt, the operator, in February of 2017.

Ms. Sheehan: Just because we've had this new information from the other person in the audience about genealogy and perhaps a cemetery on the property. Did you know about that?

Mr. Agor: I read a little bit about it but you can be certain that before we start construction we are going to be working with Cultural Survey we are going to have a huge map on the site depicting all the historic areas and information the construction workers of where they can go and where they can't go.

Ms. Sheehan: Great thank you.



Mr. Long: Thank you Ron. Anybody else from the public would like to come forward?

Mr. Milton Ching: Aloha Milton Ching again. I just want to go to the application submitted by the applicant on Page 27, Historic Resources, and if I may, the proposed rebuilding/renovation of the resort will not, will not have any impact on any existing historic, cultural, and archeology resources, etc. When you find a grave that is unmarked, they inadvertently found if any there is a direct impact on that burial. When that person died years ago it was the intent to be stayed in place never to be disturbed.

When Coco Palms was built back in the 1950s they already disturbed it. Period. They already disturbed it. So we get these guys coming in today and say they going rebuild and reconstruct. When you do earth movement there is going to be some movement in the ground. Records have already shown back in 1973 burials were removed and reinterred in front. I believe there were like 34 burials according to documents. But can you imagine how many more people that they never took out from the tennis court and how many people is in Mahupunepuuoni Cemetery.

We don't know who they are but I tell you something if you do your research well you are going to find in 1835 when the missionaries came to Hawai'i and Kauai they did a census of the different districts on Kauai and if you go to the Department of Health death records you are going to find people buried in Wailua. They must have had over a hundred people or maybe even a thousand. They must have been buried some place. So if the document in 1848 states that it's a burial ground. It's a burial ground.

There is also a second burial ground that's at the Kalaeokamanu Heiau in the back and one of the records also states on Josiah Kaumuali'i Land Commission Award that it's a burial place. Unfortunately, it doesn't tell us today or in the records who is buried there. But when you have an old timer saying that it is a burial ground, it's a burial ground. And unfortunately Kuamoo Road went right through that burial ground years ago. So although things have been destroyed disrespectfully it's time to do something about it. And if I our cemetery, which is still on Coco Palms grounds today it should be protected by all the government agencies both SHPD, your department, Kauai Burial Council, and the Planning Department. Thank you very much.

Mr. Long: Thank you.

Ms. Schneider: Is there somebody here from the Burial Council.

Mr. Jung: No, you know I think we are in sort of an unusual situation on this particular project because there has been entitlements for this projects for years and then in 2000 I think they came back in working on their 2005 permit set which had been revoked but they did a lot of work up for the historic preservation review process where I know they went through the preservation plan Mary Jane was talking about and they had other historical processes that were completed but I think what SHPD is doing is they are having to relook at that. So we are still awaiting their comments but if you folks want to supplement and provide content or character issues to the project you can both look at it from an archeology stand point as well as an architectural stand point.

So if there are things that you see in the plans that you want to make recommendations on you certainly can do that. But I believe with some of the preservation plans and then I do there is burial treatment plans on the property as well. So there is a lot of plans that were done for this particular project and it's extensive if you guys want to dig into that and look all those up again you can. But the reality is with the



Iniki Ordinance they are allowed to put the buildings back up on the footprint of which they were previously existing. Right, so they do have to come in for other permits required by the new Iniki Ordinance which tells them hey you got to comply with standards as in the CZO provides for now.

So what the Planning Department they had to apply the standards of permits. So that's why with the Iniki Ordinance process gone with the expedited permitting process they now have to go through the Class IV Zoning process. They have to go through the SMA process and they have to go through the Project Development Use Process because there is multiple parcels on the property where the development is. So that's why it's sort of recirculating back to you folks and going through the whole public hearing process.

Ms. Schneider: Would we be jumping the gun if we give a recommendation before we get SHPD's comments?

Mr. Jung: Well it's happened in the past but ultimately this body does recommend to both SHPD and the Planning Commission. So if there is something you see now that you want to make recommendations on you can certainly do that now. Right, both from the stand point of the two bridges as well as any of the historic buildings that were identified on the sheet that was passed out at the last meeting. So we go the plans and we forwarded the application that had all the attachments to it as well.

Ms. Schneider: Not everybody was able to download that.

Ms. Sheehan: Yes it was too big.

Mr. Jung: The public hearing is coming up next Tuesday so we do have statutory timelines we have to honor. It's just a part of how the process works but if you need more time to look at it we can certainly schedule another meeting depends on what the Planning Commission does on the Tuesday meeting. But we can schedule another meeting to review all of these things again.

Ms. Griffin: I had asked at the last meeting when this came up it sounded from Mr. Agor's presentation it was a little confusing to me on the comments on the historic structures. The King's Cottages, the Queen's Cottages because it was sounding like because of flood regulations and other things that it had to be rebuilt, the cottages, and they had to be built not in the same configuration but up on posts and so forth and had asked for clarification on what the parameters of our recommendation can be if in fact there are other requirements that require the owners to destroy these structures.

Mr. Jung: That's a good question because they are required to comply with our floodplain management ordinance and FEMA has been watching this project because they have concerns as well to make sure it's compliant. How that interfaces with the historical elements of the project is just a reality we are going to have face just because there are health and safety requirements. Not that they supersede but they have to be integrated into how the project is going to look because it's a federal requirement. We can ask the applicant to go through the components but they have to raise it to a base flood elevation based on what the engineers say of where that, I don't know what flood zone it's in but depending on what that flood zone is they have to raise it to a certain height. In this case it's at four feet Ron is that? Oh 8 feet. So it is quite elevated.

Ms. Griffin: Right, so where are we in terms of reviewing these historic cottages?



Mr. Jung: They were passed out.

Ms. Griffin: I mean they are going to have to be destroyed and rebuilt it's not in our purview to comment on the aesthetics on the new one or the design. I mean that's the architect's job. So I am just not sure what we are being asked to talk about and I would love to get some explanation from you or the Planning Department staff.

Mr. Dee Crowell: Ok for this Coco Palms project there are about 25 structures that are being considered for either replacement or renovation. There are 14 structures that are over 50 years old and 9 of them are the King's Cottages and Queen's Cottages. Those small little wood framed structures that are going to be raised and raised. So they Ordinance 716 which is kind of the current version of the Iniki Repair Ordinance exempted structures that were damaged by Hurricane Iniki to be repaired without having to meet the current code if they were legally permitted at the time they were built.

So they exempted not only the zoning code but the building code, electrical code, and all the codes. And that was passed in 1993. So then in 1997 the Council passed 716, no when was that, and it ended up that the only portion that is now exempt from, well that structures that are exempt from is the nonconforming structure portion of the entire Kauai County Code. So they don't have to, I don't want to put words in their mouth, but I heard from Council Members it was passed basically to allow Coco Palms to rebuild and that's what we have here. But although these ordinances, these Iniki Rebuild Ordinances, you know allowed exemptions from County codes they don't exempt Federal Codes. So any structures have to meet flood ordinances. They have to meet SMA; they have to get SMA permits. (Inaudible) is not exempt, only County codes.

So that is what we are dealing with here. These cottages, you know the dates I listed in the spreadsheet are from tax records. So they may have not been built in 1955 but they sure got taxed in 1955. So that's where these structures are. They are allowed to, well they can rebuild but they have to meet the new flood heights.

Ms. Griffin: But in that case doesn't that take all of the part of the project off of our table?

Mr. Crowell: Yes.

Ms. Griffin: So the five...

Mr. Jung: Not necessarily though because as a part of the mitigation plan and this would be pending from the architecture branch where you can suggest through the developer that the appearance to remain similar of nature of what existed before. So when they agreed to the mitigation commitments as they go through the process if there is a significant effect then you can work with the developer to come up with commitments as to how certain architectural look so it's comparable or even similar to what existed when it was built. So there is the ability for you folks to review it on the historic buildings that are being destroyed. But right now we don't have the comment from architecture branch.

Ms. Griffin: What about the 5 that aren't being destroyed and rebuilt cause we did not see any of those right.



Mr. Crowell: The Lagoon Building which was that building that was destroyed and you the top floor was removed because it was destroyed in the fire. So that was built in 1958, the one next to the bridge, so the bridge may be of that same year. House in the palms and the Palms and Lāna'i are the 2 bars and restaurants that are right next to each other, they are right between the King's Cottages and the Queen's Cottages. So they are all in the same general area. They were built in 1955. And then there is a chapel.

Ms. Griffin: The Elvis Presley Chapel?

Mr. Crowell: Yes. So that I believe is going to be rebuilt. Right?

Mr. Agor: Renovated.

Mr. Crowell: It is still standing right now.

Mr. Agor: Yes we could keep the construction cost less than 50% so we can leave it where it is, as it is.

Ms. Schneider: Dee is this going to be connected to County sewer?

Mr. Crowell: What is that?

Ms. Schneider: Is it going to be connected to the County sewer system?

Mr. Crowell: I believe it was.

Mr. Agor: You are talking about the chapel?

Ms. Schneider: No the whole project.

Mr. Agor: The whole facility is a sewer system connected to the County sewer stage at the corner there. If you don't mind I would like to address Vice Chairperson Griffin's question about what are you doing here in terms of the cottages and from our perspective we thought it was appropriate to inform the Commission of our intent.

Ms. Griffin: You know and we thank you. There are, I don't know anybody on the island especially you know from in the Puna, Kawaihau, Halelea districts that doesn't have a strong interest for one reason or another in what's happening with the Coco Palms. It has a thousand years of history, and work, and life, and death. So it is important and we appreciate it and it's just been a little confusing when you came before you thought we were just going to talk about the two bridges or you know the bridges and you were saying something else.

So I am just having a hard time wrapping my mind around our, cause our job is to look at the historical elements. And I do think it's important on a site like this to look at the context not just those buildings. It is a much bigger site than any single building and we really do appreciate hearing from you on the plans and how this is evolving and all the complications that are incurred working with County, State, and Federal agencies.

So I just keep being uncertain on how to proceed and maybe the best way, I don't know how the rest of you commissioners feel but it may be in this situation it would be best for us to wait and hear from the State Historic Preservation Division because of the complexities of the site rather than trying to weigh



through all of it ourselves and feeling like maybe there is some information out there on the two little bars and the rest.

Mr. Agor: The comment from SHPD was that they are still reviewing the issue of the bridges.

Mr. Long: I don't think it's... a member from the public please.

Mr. Bill Folk: I just wanted to take this opportunity to introduce myself. I am Bill Folk. F O L K and I work with Dr. Hammatt at Cultural Surveys Hawai'i and Kauai is kind of my purview and project manager. So I just wanted to take the opportunity and introduce myself since you were all here rather than one by one making sure I get connected with you.

We are working with the landowners and the planners in terms of the archaeology and it is a long history of archaeology as well as a long history. We will be helping to put together all of the various elements over the long period of time and we sincerely hope that, that will be of real benefit to you all in your tasks. Thank you.

Mr. Long: Thank you. I have a couple of questions. With regards to the ponds, is removing the two bridges going to change the circulation or experiential, experience of the lagoons?

Mr. Folk: Another question for you Ron.

Mr. Agor: The circulation in terms of humans or water?

Mr. Long: Well yes the lagoon is used by people in a certain manner and you are removing half of the bridges. So does that change the historical aesthetic and experience and use of the property?

Mr. Agor: I don't know if you can call it historical, I guess you could cause historically, for example the Queen's Audience Hall where the ballrooms are will generally be used by the public and that bridge was a direct pathway from the parking lot to the Queen's Audience Hall and with that being removed the pathway would have to be diverted and we do have an ADA accessible route to get over bridge number 2 on over across the lagoon to the Queen Audience Hall. So in the past that particular bridge was used for the public to go from the parking lot to the Queen Audience Hall. And certainly removing it will change that pattern but whether it is significant or not it's really not for me to decide.

Mr. Long: I have another comment, question/comment, on the cottages rebuild. I didn't clearly take a look at are the new cottages going to be identical in floor plan and size and scope?

Mr. Agor: Pretty close to it yes. Pretty close to it.

Mr. Long: Ok so I just have a personal comment about the 8 foot posts and I noted some vertical elements in the restaurant that have that cast coconut stalk so maybe that's an aesthetic that could be...

Mr. Agor: We will take that under consideration. Yes.

Mr. Long: Thank you. And then I have a general question about the archeology and this is more for SHPD and the archeologist consultant and I understand that you can replace these buildings by County permit but if you take these buildings out from the foundation out the report I just heard that somebody read that someone had evaluated that in removing and replacing the buildings have no archeological sites



to be disturbed and my question is to SHPD is how can one remove a foundation without disturbing what's just right under that concrete?

Ms. Naone: Well that wasn't a comment made by our office. My understanding in reviewing the archeology component of the project is that the archeological monitoring plan was approved in 2005. So as Ian said we are reviewing some of those old documents and seeing what changes need to be made and nothing has been done on the site without archaeological monitoring. We did make a change in the monitoring in which the monitoring plans stipulated that all demolition or ground disturbance would need to be monitored by a qualified archaeologist.

I went out last week and Missy Kamai from Cultural Survey's was monitoring the removal of the appliances in the restaurant. We didn't see a need for her to be there when the demolition doesn't involve ground disturbance and it's not working with the structural details that are historic with the buildings. So we have made comments to that and the project.

We have also requested more time to review the permit as we are waiting for burial site/burial treatment plan for inadvertent discovery that was made last year during installation of the dust fence around the property. So Coco Palms Hui had applied for an after the fact dust fence from the County and we had asked for a burial treatment plan for the inadvertent discovery of human remains which we passed. You probably saw the orange cone, that's the location.

So once we, our burial site specialist Kauanoe Hoomanawanui handles that aspect of but I think we had deferred commenting on the permitting until we can work with the Burial Council to address possible additional burials will be impacted. Oh and I just (inaudible) both the registration, the National Registration form for the Fish Pond and the preservation plan. I don't see any reference to when those bridges were built. I am sorry. It does say that there were some modifications made in the 70s but nothing about they were determined contributing elements.

Ms. Schneider: So I have a question for Dee. If we hold off on our comments till we get SHPD's response will we be hanging up the Planning Commission? You are not going to take action on the first hearing?

Mr. Crowell: Two responses to that. One is that you know we first received this application back in October and we routed for comments to all the agencies in October for a December hearing. Subsequent to that we found some discrepancies in the application so we rescheduled the hearing for next week and so agencies have had 3 months to look at this project so I don't know how much longer they need. But the second part of that is by our CZO a Class IV permit has 60 days from when the Commission receives the Director's Report which is 60 days from two weeks ago. So it's sometime in early March. But that means that the last regularly scheduled meeting the Commission can act on would be February.

Mr. Jung: Yes and just to answer the procedural part of your question is yes the Planning Commission can take action because you folks serve in an advisory capacity both to the Planning Department and Planning Commission but if they choose to take action on it they can. You could make a request for them to have time but it's up to you collectively as a body.

Mr. Long: As an advisory commission I think it's really important for us to be sensitive to the time constraints of the County and the applicant. Personally I would like to make my decisions based on a full body of information gathering and I have heard you know with regards to a number of issues today that



SHPD is still conducting their review, archeological and Architectural. So in those issues I don't feel qualified to make the judgments without our consultants input.

Ms. Schneider: Also it would have been great if we had gotten the full application as a printed because many of the Commissioners weren't able to open the application online.

Mr. Agor: And of course any potential approval on the 27<sup>th</sup> would most likely be conditioned that the applicant comply with the SHPD's forthcoming analysis.

Mr. Long: Go ahead Patsy.

Ms. Sheehan: I just like to say that I agree that I feel like I don't quite have my hands around as Pat says and I wasn't at the last meeting so I did not get all this information and it's my bad but I was curious because we weren't able to see anything and one of the things for me was the chapel and we didn't get to see that but it's on the list and it says repair so also you were talking about if the repair is more than 50% you have to come to code. And Dee I wasn't sure whether, I don't know how bad the chapel is, but do you have to come to code on it?

Mr. Agor: Our analysis is that the repair work would be less than 50% of the appraised value. So we do not have to comply.

Mr. Crowell: Still standing still has a roof. I think they still conduct weddings in there.

Mr. Agor: And it's basically an open air chapel.

Ms. Sheehan: And also the Seashell Restaurant is that part of this project?

Mr. Agor: I believe it will be part of the application, yes, being presented to the Commission on the 27<sup>th</sup>.

Ms. Sheehan: And how are people are going to get there from the hotel? Are they going to walk across the road?

Mr. Agor: The hotel will have continuous shuttle.

Ms. Sheehan: Oh shuttles.

Mr. Agor: Yes continuous shuttles.

Ms. Sheehan: Well I am glad you are keeping the chapel. I just couldn't find it all of that stuff.

Mr. Crowell: We have to keep it. Myles was married in that chapel.

Mr. Agor: And during the process of construction I'd be glad to get on your agenda and give you updates as we progress.

Mr. Long: Any other questions? Victoria.

Ms. Wichman: No I would just like to say that I agree with Chairman Long and with Patsy Sheehan about not being totally prepared for this. We were given the drop box folder recently and I really don't think it's clear, that a lot of us are a little bit confused. Not confused but we don't have our heads completely



around the whole project. The last meeting it was about two bridges and that's what we were concentrating on and then the scope has changed and I don't feel that we are prepared to make any decisions or advisory remarks at this time until we get more information from SHPD and their review as well. If this does hold up the Planning Commission, I am not sure. Like you said they can make a decision whether or not we give them advice. I don't know, personally I think that we are not prepared to make a recommendation at this time.

Mr. Agor: Actually at the last meeting I was wrong in indicating that we were only concentrating on the bridge and I was corrected by Dee Crowell and the Commission proceeded with the correction in mind. That it was more than just the bridge.

Mr. Jung: Just to clarify the reference to the 2 bridges was actually made because of the letter from SHPD was referencing the 2 bridges but it contemplated the whole permit set and the buildings in there.

Ms. Schneider: So action by the Planning Commission would have to be in February, the Second week in February?

Mr. Jung: Yes second week in February. The Director's Report was received last meeting because the CZO requires it to be submitted prior to the next meeting right so that public has 2 weeks advanced notice to see what's coming down the pipeline in addition to public hearing notices or agency hearing notices that are put in the newspaper.

Ms. Schneider: Could we take action at our next meeting on the first week in February?

Mr. Jung: Yes.

Mr. Long: And that would be an appropriate time?

Mr. Jung: It could or if you want to schedule, I am sure this issue will come up before the Planning Commission and then Dee can raise it and if you need to schedule, if the comments come back from SHPD then we can schedule another meeting off the timeframe that's our normal meetings as well.

Ms. Schneider: And could we get a copy of the full application?

Mr. Jung: Paper copy yes. We are trying to go paperless.

Ms. Schneider: I was able to download it but other people weren't able too.

Mr. Jung: You have to tell Myles you need an iPad.

Ms. Schneider: Sounds good.

Mr. Jung: So where it leaves you is you can either make a recommendation now or defer the matter or request more information from the applicant.

Mr. Long: Ok do we have a motion on the floor from a commissioner to address the applicant's application? Yes Mike.



Mr. Michael Belles: Good afternoon again Mr. Chair and Members of the Commission for the record Mike Belles and to my right Mr. Tyler Green he is one of the partners in the Coco Palms Hui, LLC and I just wanted to offer a few more comments before you proceeded if it pleases the Chair and the Commission.

This is not an easy application by any stretch of the imagination and this will be one of the few times that I think you will see 2 lawyers actually in agreement because we are dealing with multiple jurisdictions and each one can preempt the other and we are always not compatible and we won't always jive and yes you can wait for the SHPD recommendation and then make your comments based on that but the reality is SHPD has certain final authority on things and you can make recommendations that are not inconsistent with that just based on general law of preemption. And by the same token when we look at Federal requirements for elevating the structures we must comply with that.

Yes we have made a commitment on the record that we want to maintain the character and the spirit of those cottages as they once existed. But the reality is they will look the same but we are going to be elevated 8 feet. Are they really going to look the same? No they are going to look different but the building itself per say is going to be a reasonable facsimile of what existed there previously. It's just that legally we cannot put a grid which we would actually prefer to do because it's going to be less expensive to do that but with the Federal law trumping State and County Laws we are not required to elevate those buildings that Mr. Crowell pointed out 8 feet and in some cases higher in some cases lower.

Those buildings that don't have to be elevated some have to be flood proofed so we must do all those things and we must comply with those codes so it's very difficult for the developer or any landowner to make definitive commitments on how something will ultimately end up because we have got several cooks stirring the pot and in some of these cases you've got each of the independent cooks having superior authority over the cook to their left or to their right and we have to respect the law in that case in terms of who has the final say or authority and what I might suggest, bearing that in mind, is that just based on the discussion I have heard so far and what I have observed you have certain ideas, certain comments, certain recommendations that you have made today just during the course of your deliberations.

I don't think it would be hurtful or disruptive for you to memorialize some of those and send those over to the Commission as soon as possible so they have the benefit of your comments so that that they will be considering those as they are going through the deliberations on it and say that you would like to reserve the right to submit supplemental data as time permits. But the reality also and I have done this for over 40 years not particularly smart just old but the reality is often times agency comments simply don't come in. Whether it be a Federal agency, a State agency, or a County agency. Is it because they are overworked? They are indifferent to it? Or reasons that never made sense to me and then Commissions for the very reasons that were explained by Mr. Crowell and by the Deputy County Attorney by law the Commission must take action.

So I think it would be beneficial knowing the time constraints, my humble recommendation would be that you provide whatever input you could now and if you have the opportunity supplement it with other information as you gather additional information. And I respect what you said that you can only work with what you have right now and you ideally would like more information and will there ever be a point where we have all the information we want. I don't know if that's ever the case. That's why things



evolve. That's why we have archeologist monitoring the activities in the field. What if we find an inadvertent burial? You have got to stop work immediately. We have to notify SHPD/Burial Council. We have got to follow certain legal processes and as Mr. Ching said earlier in his testimony, I mean, he is asking that we do things pursuant to the law. And we have to. We don't have a choice. We get penalized and they close down the project and stop it entirely.

So we have legal obligations as well and they three are certain safeguards, not absolute, not a 100% that we would all probably like to see but that's just the reality of development on any land in Hawai'i. This as unique, special historical significance because of its usage over a long period of time but the reality is you can find ancient artifacts, historical sites almost anywhere on Kauai that are not known or identified. But here it's been known/identified, it's been recorded with the best information we have. We are doing our best to do a development that is responsive to that.

And the last comment I will make is that the intent of this project unlike the project that was permitted in 2005 is to limit the disturbance of the soil as much as possible and build on existing foundations cause we realize anything you turn over you may find something under there that would cause everything to come to a screeching halt. A good example is just constructing the dust fence. Who would have thought by digging a post hole that you would discover remains? So I mean that does happen and that's why you have a monitor on site monitoring everything.

So that is the intention of the developer to disturb as little as possible and do everything in a sensitive way as possible. Is it going to be a 100% perfect? No it will not be. So those are my only comments that I would like to make and I would like to just turn over the microphone over briefly to Mr. Green because I think he has got some comments at the owner and developer to speak to their vision and how the approach this and these are comments we both made on the public record before when we have appeared before the Kauai County Council. And then obviously we would be happy to respond to any questions you may have for us.

Mr. Tyler Green: Thank you Mike. First of all I just wanted to thank everyone very much for coming out today and we understand it was a long day and somewhat of an adventurous tour. Thank you very much for getting us on your schedule and making the time to go out there.

I just kinda wanted to circle back on a few things that I was listening to in being here today and it made me think of our overreaching goal when we set out this journey and that was to honor our past and celebrate the future. And so we do understand that in the midst of this there are many delicate balances and we are sensitive to those delicate balances and it's our obligation and responsibility to listen and to absorb everything that we hear from you folks and also from the public and do our very best to address those and you know as we have embarked on this there is definitely a long list of things to be cautious of and be aware of but you know it is our hope that we get everything on the list and do our best to address those.

And so the idea circling back to the question about the bridges is the motivation for that was to open up the view planes in the lagoon and to enhance the guest experience but also enhance the public experience as well. So if you are in the Queens Lagoon Building and you might be in a seminar or a meeting or whatever the case may be now all of a sudden you don't have a bridge that blocks your view from the other side of the lagoon and we figured that the two bridges were sufficient enough and if we paid close



enough attention into designing those the right way we could then open those up for ADA concerns that are now very relevant in this time and age that probably weren't necessarily addressed when those bridges were first constructed.

When I talk about honoring the past the idea is to bring Coco Palms back aesthetically so it does have that node back to the past and that feel and so we always use the term from a design aesthetic as contemporary retro. So it is kind of the old Coco Palms presented in a modern type way and so you will have kind of that tiki feel and we have actually found the coconut tree pilings forms where we can recreate some of the cement structures that you found on the bridge and so whether its infusing bamboo or the old coconut feel. To us it's the coconut grove that represents that resort. That's what made Coco Palms Coco Palms and it is the sacred blend that the coconut grove sits on and so in reference to any kind of parking on the grove.

We can't by law as Mike had mentioned disturb that grove whatsoever. We are bound by that lease with the State and we have to follow that line by line and so it's our hope through this process we are enhancing and not taking away anything from the property or causing any unsightly eyesores so to speak on the property but that's typically been our approach from the start and we have committed to stick with that honoring the past and celebrating the future as we move along on this project. Thank you.

Mr. Long: Thank you. Commissioners do you have any questions for the owner?

Ms. Griffin: Thank you and I remember I think Mr. Belles that you were the man that wrote the ordinance for the Kauai Historic Preservation Review Commission back when you were a young County Attorney so I don't doubt that you have plenty of experience over the years with it. And I appreciate what you are saying about moving on but making a decision in ignorance doesn't sound like a very wise thing to do and as our County Attorney has suggested we can make comments about these very new structures and you have seen me rolling around trying to figure out.

I stayed in the Princess Cottages on several occasions and they have a wonderful moss rock jacuzzi that's open to the air and I am not sure how you would do that. I am not sure, we haven't gotten any information about what the King's Cottages or what the Queen's Cottages were like and we haven't gotten any information about what the chapel is because our purview is in preservation and restoration not simply repair but it's really hard for us to comment on how to guide and advise on utilizing the Secretary of Interior Standards for Rehabilitation and what constitutes retaining the integrity of these repairable buildings when we haven't seen information about it. So I continue to feel that for us to be able to advise that we need a certain body of information that I don't feel like I have at this point.

Mr. Belles: I will just simply say having been the author but not the decision maker who adopted the law, I'm just providing some input to councilmen and other people who considered it and commissions who ultimately have to implement it. At the end of the day the decision is yours to make. It's your collective wisdom. That's why you people were appointed to a not so easy job to make these tough decisions and if you don't feel you have the information you need then you don't make a recommendation.

My suggestion simply was that if there was a way for you apportion it with the information you do have fine but if you feel there is a total void and a lack of a foundation to make a recommendation I wouldn't expect you to do that or any board or commission. You took an oath to uphold the constitutions and the



laws of the County of Kauai and the State of Hawai'i so that's what you have to do and that's what I expect you to do and I respect that. It may result in some delays but we also have legal time constraints and it's hard for the lawyers then to strike that fair balance to get all the information that you need and then have the Planning Commission in turn do what it needs to do in a timely basis pursuant to the laws. So it's difficult compromises I think that may have to be made to make this work for everyone.

Mr. Long: Thank you Mike.

Mr. Agor: I would like to make a suggestion. I would like to see the Planning Commission on the 27<sup>th</sup> should they decide to approve the project to have a condition in there that we follow SHPD's final evaluation and to give this Commission more time. Why don't you guys gather your information and your recommendation and then submit that to SHPD and have SHPD include that in their final analysis. That would be an avenue to relieve the applicant of the pressure and give you more time to evaluate it.

Mr. Jung: Well you can do that but the problem is you are going to have to make a decision collectively as a body and you have got to be able to hold a meeting to make decision right.

Mr. Long: I have a question of Ian. Can we defer this, our review of this and our recommendation decision until our next meeting? Would be timely before the Planning Commission meets?

Mr. Jung: Yes you could make a motion to defer but again if SHPD does come back with their comments and the Planning Commission is ready to act they can act but if they don't then you have the opportunity to provide comments.

Mr. Long: Ok.

Ms. Schneider: Do we have comments?

Mr. Jung: When is the next meeting?

Staff: February 5<sup>th</sup>.

Mr. Long: I have another question. If you defer, if you elect to defer to the next meeting does the interim Planning Commission get any of your feedback and comments/discussion?

Mr. Jung: What do you mean by interim?

Mr. Long: Are they meeting before?

Mr. Jung: The public hearing or agency hearing is on the 27<sup>th</sup>.

Mr. Long: Right so if we elect to defer will they hear any of our comments or discussion that occurred in this meeting?

Mr. Jung: I doubt that the minutes would be prepared by then. But if you guys want to send a memo to the Planning Commission.

Mr. Crowell: I don't want to speak for the Commission but I doubt they will take action on the 27<sup>th</sup>. I think they will have the same issues you guys are having.



Ms. Schneider: So it would be ok if we took action at our next meeting which would be February 5<sup>th</sup>?

Mr. Crowell: I wouldn't want to make that statement.

Mr. Jung: There is no guarantee.

Ms. Schneider: Could we make some recommendation now and then still not take action?

Mr. Jung: You have never done that or I have never seen it done while I was here. Usually there is a recommendation and then it folds but I think what Mr. Belles was recommending is that you make a recommendation and then reserve the right to supplement that recommendation based on SHPD's comments.

Ms. Griffin: Is it possible to request more information? What's happening with the chapel the 5 buildings and so forth that are going to be retained but need repair because that's part of it we don't have.

Mr. Jung: Sure. The 3 options that I gave you guys is: Make the recommendation. Defer it. Or request more information of the applicant. Right so you can request more information if you would like on specific buildings that you have concerns with.

Ms. Sheehan: Requesting more information though we still wouldn't get it till the next meeting. If we requested from the applicant more information it wouldn't come till the next meeting.

Mr. Jung: Right. Ron are there proposed building plans yet or are they still conceptual drawings?

Mr. Agor: Conceptual drawings.

Mr. Jung: And how descriptive are the conceptual drawings?

Mr. Agor: They are pretty much depicts the buildings and what they building are going to look like.

Mr. Jung: Is that sufficient? Or what do you want?

Mr. Long: Floor plans and elevations and the site plan.

Ms. Schneider: Those are all in the application, in the big application that everybody didn't get.

Mr. Long: And photos.

Ms. Sheehan: Yes because we haven't been able to do that. What does it look like right now and therefore what modifications and what it will look like when it is finished and historically we can look at the size, the building, the shape, whether we have any comments about that alteration. I also think it's important to know what goes around the building. The whole landscape, it's a whole project and it's mind boggling but I think that what you planned, how it situates in relation to the next building next door. I feel as Pat does. There is a lot of questions and if you don't know where you are now because unfortunately we just didn't get to see it all today. It would be very hard to know that the end result has taken away from something that exists or added to or not. So I would request more information from the applicant if that is possible. That would be my suggestion.



Mr. Jung: Will you explain each of the floor plans of each of the buildings in the application.

Mr. Agor: The application to the Planning Commission?

Mr. Jung: Yes.

Mr. Agor: Yes ok it depicts every building.

Mr. Jung: So we have all the materials submitted to the Commission. It was in electronic form and everybody didn't get it.

Ms. Schneider: And it would be much easier to review in paper form cause then you can go back and forth.

Mr. Jung: So it may not be an issue that we need it from you we just need to print it out for them.

Mr. Belles: My point on my comment is I didn't want you to be precluded from offering comments that we don't control or influence what the Planning Commission ultimately does. Majority of that body decides when they want to act and what basis they want to act. I guess we do influence in some in terms of responding to an application yes they do listen to the Planning Department because they are the logistical team for the Planning Commission. But at the end of the day they make their own decisions for their own reasons based on their own collective reasons just as you do. I just didn't want to face the prospect of by delaying it the Commission may act and then you have lost the opportunity for any comment and that was my concern when I considered something of a compromise or a hybrid proposal knowing there are time constraints that everyone is trying to cooperate and help in make this thing work as best as they can.

Ms. Griffin: So just to make I understand cause the chapel is a place that has significance because of famous people and you talk in there about how it's going to be repaired. I did not see that cause in what we are doing like I say the materials, the changes are part of what our job is.

Mr. Agor: It's easy to tell you what I am going to do to it.

Ms. Griffin: Ok maybe if we defer will you come back and see us?

Mr. Agor: Sure.

Mr. Long: Ok do we have a motion from any of the Commissioners?

Ms. Schneider: I make a motion that we defer for additional information till the next meeting on February 5<sup>th</sup>.

Mr. Long: With the request for additional information? Ok.

Ms. Sheehan: Second.

Mr. Long: It's been moved and seconded all in favor? (Unanimous voice vote).



Ms. Naone: Is there a way for SHPD to disseminate our comments to Commission prior to the next meeting?

Mr. Jung: Normally what happens is when the planners get them they forward them to Shan who then distributes them to the Commission.

Ms. Naone: Ok is there a way to include like the archeological monitoring plan or the National Register Nomination, the documents that we have on file?

Mr. Jung: Yes do you have them in PDF? Cause I am assuming you folks wouldn't want to print them all out.

Ms. Naone: Well we do have a lot of things just to print out and not in PDF but I am pretty sure these are pretty recent and we have em. So we could set up a drop box or something with all of the documents.

Mr. Jung: Well if you set up the drop box then we can open and then print out for these folks.

Ms. Naone: Ok perfect.

Ms. Griffin: Do you have a sense when that would be?

Ms. Naone: I am going to talk to Anna in the morning. We have a meeting. I will be able to get more information from the architecture branch. We have all three branches reviewing for the specific concerns related to that branch so I apologize that it is not all together but definitely within the next week.

Mr. Long: Thank you.

#### NEW BUSINESS

There was no New Business.

#### COMMISSION EDUCATION

There was no Commission Education.

#### SELECTION OF NEXT MEETING DATE AND AGENDA TOPICS

The next meeting date was scheduled on February 5, 2015

#### ADJOURNMENT

The meeting was adjourned at 3:51 p.m.

Respectfully Submitted,



Shanlee U. Jimenez

Secretary

Date: JAN 28 2015